

Remarks

In view of the foregoing amendments and the following remarks, reconsideration and withdrawal of the outstanding Office Action rejections is respectfully requested.

Objections to the Specification

As an initial matter, the Examiner has objected to the specification for including a hyperlink at p. 17 of the specification. Applicants have amended this paragraph, removing the hyperlink. Thus, this objection has been obviated and should be withdrawn.

Rejections under 35 USC § 112, first paragraph

Claims 10, 12, 14, 17-19, 35 and 36 are pending in the application. The Examiner has rejected all of the pending claims under 35 USC § 112, first paragraph, for allegedly lacking enablement. The Examiner makes two basic arguments in support of this rejection. The first argument relates generally to the alleged lack of correlation between in vitro and in vivo systems and, more specifically, to the alleged lack of data showing that the administration of an AXL antibody inhibits the invasivity of malignant disorders in vivo. In the second argument, the Examiner asserts that mRNA does not predictably correlate with protein expression and, there is no teaching that AXL protein is overexpressed in malignant disorders.

Applicants disagree with the Examiner's interpretation of the claims. However, solely in the interest of expediting prosecution, Applicants have amended claim 10 to clarify its scope, and have added new claims 37 and 38. Written description support for

new claims 37 and 38 can be found at least in the immediate prior version of claim 10. No new matter is added by means of these amendments.

These claim amendments remove the embodiments that the Examiner based his rejection on. Further, Applicants note that the presence of inoperative embodiments within the scope of the claim does not necessarily render a claim nonenabled. Rather, such a claim is enabled as long as one of skill in the art would be able to determine which embodiments were operative and which were inoperative without undue experimentation. Therefore, because the embodiments used by the Examiner as the basis for the rejection have been removed, and because one of skill in the art would be able to determine which, if any, remaining embodiments are inoperative, the presently amended claims are enabled and this rejection should be withdrawn.

Further, Applicants have added new claim 39. Written description support can be found at least at p. 4, para. 2. No new matter has been added by means of this amendment.

The Examiner has rejected claims 10, 12, 14, 17, 18 and 35 USC § 112, first paragraph, for allegedly failing to comply with the written description requirement. The Examiner argues that the claims are drawn to an "inhibitor of the AXL protein" which encompasses a huge genus of compounds with different structures and functions, and the specification does not adequately describe this genus of agents, and that it specifically does not provide the structure or the structure-function correlation of these

inhibitors. However, the Examiner concedes that there is written description support for inhibitory anti-AXL antibodies or Fab, Fab', Fab2 or scFV antigen binding fragments thereof. Applicants disagree with the Examiner's interpretation of the claim. However, solely in the interest of prosecution, Applicants have amended claim 10 to incorporate the above language regarding the identity of the AXL protein inhibitor. Written description support can be found at least on the immediate prior version of claim 36. No new matter is added by means of this amendment. This amendment obviates the written description rejection, and, as such, it should be withdrawn.

In view of the foregoing, it is submitted that the present application is now in condition for allowance. Reconsideration and allowance of the pending claims are requested. The Director is authorized to charge any fees or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

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